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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,691	09/28/2005	Mario Villena	HXI.1521	9142
20529 7590 NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		03/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/536,691

Applicant(s)

VILLENA ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 26, drawn to an apparatus for identifying properties of interest comprising an input device configured to receive parameters relating to real property; a property database that contains records on a majority of residential properties offered for sale in a defined geographic region, wherein each entry of the property database includes an identifying field identifying a specific property, and an automated valuation field containing an AVM produced value of the identified property; a query device configured to perform at least one query on the property database using the received; said query device is configured to perform a differential valuation operation based on a percentage difference between sale price and AVM value to identify at least a first property in the geographic region having a sale price lower than the first property's AVM value; wherein the query device can further form queries based on residential property type, classified in class 705, subclass 1.
- II. Claims 27 – 30, drawn to a storage medium containing a database of property related information, said database including: records on substantially every residential property in a defined geographic region offered for sale, wherein each entry of the property database includes, an

identifying field identifying a specific property, and, an automated valuation field containing an AVM produced value of the identified property; an AVM confidence field that provides information relating to the reliability of respective AVM values, wherein at least one entry of the property database is derived using a spatial database having a spatial resolution of at least ten meters, and, wherein at least one geographic descriptor includes one of county information, latitude information, longitude information, builder information and school district, classified in class 707, subclass 100.

III. Claims 31 – 33, drawn to a storage medium containing a number of instructions that when accessed by a computer can enable a user to perform a number of property-related queries, the storage medium including: a first set of instructions configured to receive parameters relating to real property; a second set of instructions configured to perform a query on a residential property database, the query being capable of identifying properties based on an AVM value of a property by performing a query based on both AVM values and sale prices of properties, classified in class 705, subclass 1.

IV. Claims 34 – 40, drawn to a collection of one or more storage media containing one or more databases, the storage medium including: an AVM database that contains records on a majority of residential properties offered for sale in a defined geographic region; wherein the AVM database

is derived using spatial survey information using a GIS, the survey information having a sufficient spatial resolution, classified in class 707, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

Inventions I – IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case,

subcombination I has separate utility such as an apparatus for identifying properties of interest comprising an input device configured to receive parameters relating to real property; a query device configured to perform at least one query on the property database using the received; said query device is configured to perform a differential valuation operation based on a percentage difference between sale price and AVM value to identify at least a first property in the geographic region having a sale price lower than the first property's AVM value;

subcombination II has separate utility such as a storage medium containing a database of property related information, said database including: records on substantially every residential property in a defined geographic region offered for sale, an AVM confidence field that provides information relating to the reliability of respective AVM values, wherein at least one entry of the property database is derived using a spatial database having a spatial resolution of at least ten meters, and, wherein at least

one geographic descriptor includes one of county information, latitude information, longitude information, builder information and school district.

subcombination III has separate utility such as a storage medium containing a number of instructions that when accessed by a computer can enable a user to perform a number of property-related queries, the storage medium including: a first set of instructions configured to receive parameters relating to real property; a second set of instructions configured to perform a query on a residential property database, the query being capable of identifying properties based on an AVM value of a property by performing a query based on both AVM values and sale prices of properties;

subcombination IV has separate utility such as a collection of one or more storage media containing one or more databases, the storage medium including: an AVM database that contains records on a majority of residential properties offered for sale in a defined geographic region; wherein the AVM database is derived using spatial survey information using a GIS, the survey information having a sufficient spatial resolution.

See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a

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claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species:

Claim 3 recites the limitation, differential valuation operation is based on a percentage difference between sale price and AVM value.

Claim 4 recites the limitation, differential valuation operation is based on an absolute difference between sale price and AVM value.

Claim 9 recites the limitation AVM-produced value is derived using a geographic information service.

Claim 10 recites the limitation AVM-produced value is derived using spatial data having a substantially consistent spatial resolution.

Claim 11 recites the limitation AVM-produced value is derived using spatial data having a relative spatial resolution of at least five-hundred meters.

Claim 12 recites the limitation AVM-produced value is derived using spatial data having a relative spatial resolution of at least one-hundred meters.

Claim 13 recites the limitation AVM-produced value is derived using spatial data having a relative spatial resolution of at least ten meters.

Claim 14 recites the limitation AVM-produced value is derived using spatial database having a relative spatial resolution of at least one meter.

Claim 18 recites the limitation the defined geographic region includes at least two adjacent housing developments.

Claim 19 recites the limitation the defined geographic region includes at least one of a city, county or parish.

Claim 20 recites the limitation the defined geographic region includes at least two adjacent counties or parishes.

Claim 21 recites the limitation the defined geographic region includes at least two regions having different government bodies.

Claim 22 recites the limitation the defined geographic region includes at least two regions having different government bodies.

Claim 24 recites the limitation the survey information has a sufficient spatial resolution such that the relative distance between two properties can be determined to a resolution of at least one-hundred meters.

Claim 25 recites the limitation the survey information has a sufficient spatial resolution such that the relative distance between two properties can be consistently determined to a resolution of at least ten meters.

Claim 35 recites the limitation the survey information has a sufficient spatial resolution such that the relative distance between two properties can be consistently determined to a minimum resolution of at least one-hundred meters.

Claim 36 recites the limitation the survey information has a sufficient spatial resolution such that the relative distance between two properties can be consistently determined to a minimum resolution of at least ten meters.

Claim 37 recites the limitation the survey information has a sufficient spatial resolution such that the relative distance between two properties can be consistently

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determined to a minimum resolution of at least one meter.

Claim 39 recites the limitation data in the spatial database is derived using a GIS.

Claim 40 recites the limitation data in the spatial database is derived using a GPS-based survey.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

A telephone interview was not conducted due to complexity of the restriction requirement and since the examiner knows from past experience that an election will not be made by telephone. (see MPEP 812.01).

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

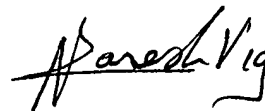
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
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March 22, 2007